

FILED

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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEWIS DISIBIO, suing individually and
on behalf of the general public; MARY
DISIBIO, suing individually and on behalf
of the general public,

Plaintiffs - Appellants,

v.

MISSION NATIONAL BANK, a National
Banking Association, sued separately and
as successor in interest to City Federal
Savings and Loan Association,

Defendant - Appellee.

No. 03-15722

DC # CV-01-03668-PJH
Northern California
(San Francisco)

ORDER

Before: B. FLETCHER, TROTT, and SILVERMAN, Circuit Judges

The memorandum disposition filed on April 11, 2005, is amended as
follows:

Delete the first sentence of the second full paragraph, which reads: “The
district court properly dismissed the diSibios’ claims against City Federal because
they failed to exhaust their administrative remedies before the RTC.”

In its place, insert the following sentence: “The district court properly
dismissed the diSibios’ claims against MNB that were based on City Federal’s

actions; those claims are defaulted because they had to be raised before the RTC before the diSibios could proceed to federal court.”

Except for the above amendments, appellants’ petition for panel rehearing, with request for oral argument, is denied. Appellants’ “Request for Judicial Notice” is also denied.

No further filings shall be accepted in this closed appeal.